

**Remarks**

The Examiner's Office action mailed October 5, 2004, which rejected or objected to pending claims 1-18 and allowed claims 19-24, has been reviewed, and certain amendments have been made to the application. In view of the amendments and the following remarks, Applicants respectfully submit that the application is in condition for allowance.

The Examiner found that claims 1-16 and 18 are rejected. The Examiner found that claim 17 is objected to as being dependent upon a rejected base claim but would allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

The Examiner rejected claims 1-16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over by U.S. Patent No. 6,353,819, issued to Edwards et al. ("Edwards").

Regarding claims 1 and 2, Edwards does not teach or suggest a transparent layer between the first architecture layer and the second architecture layer, and the Examiner does not suggest it does. The Examiner cites the RAM Codegen Executor component layer 204 as the first layer and the record file manager component layer 206 as the second layer. The Examiner cites the IO random controller component layer 208 as the transparent layer.

The first and second layers cited by the Examiner (reference numbers 204 and 206) are next to each other. The third layer cited by the examiner (reference number 208), which the examiner incorrectly designates as a transparent layer, is next to the layer 206 on the opposite side of layer 204, not in between layer 204 and layer 206. Even if layer 208 was a transparent layer, which it is not, it still would not meet the claimed limitation since it is clearly not between layer 204 and layer 206.

Further, Edwards does not teach or suggest a transparent layer at all. The IO random controller component layer 208 is not a transparent layer required by Applicants claims. Applicants' claimed limitation requires a transparent layer enabling the first architecture layer and the second architecture layer to communicate directly without having to communicate via the transparent layer.

The Examiner cited Edwards at 5, lines 11-19. The Examiner further stated that while the citation at column 5, lines 11-19 does not explicitly teach the claimed limitation, it would be obvious to one of ordinary skill in the art "to apply the teaching of Edwards because Edward's transparent [sic] would provide more efficiency for improving relational data access

performance in retrieving row data." However, the Examiner does not state to what the teaching or Edwards should be applied or how one should arrive at the claimed limitations.

At column 5, lines 11-19, Edwards states "[t]he RFM component layer 206 performs the relational processing for RDMS 200 and contains all of the knowledge of the physical layout of the data on the file pages or Control Intervals (CIs). It receives the read and write requests from layer 204 and then translates them into IO file read and write requests respectively. It processes the file pages read by layer 208 to which it operatively couples. Thus, this layer hides the physical storage of data and all other file format details from layer 204."

This citation merely uses the word "hides." The citation merely states that it hides the storage of data and details from layer 204. The citation describes that the component layer 206 performs processing, layer 206 receives requests from layer 204, and layer 206 processes pages read by layer 208 to which layer 206 couples. It does not state that a transparent layer enables the first architecture layer and the second architecture layer to communicate directly without having to communicate via the transparent layer. Nothing in Edwards teaches that any layer is a transparent layer. Nothing in Edwards teaches a transparent layer that enables the first layer and the second layer to communicate directly without having to communicate via the transparent layer.

The Examiner cannot claim that making any layer a transparent layer is in any way obvious over Edwards. There is no motivation or suggestion in Edwards to modify what is actually taught in Edwards to meet the claim limitations of applicants' claims. The Examiner must provide a motivation or suggestion to modify the teachings of Edwards to result in the claimed invention. There is no such motivation or suggestion to make the modification. Further, applicants claimed limitations say nothing of retrieving row data from a table. The claim limitations deal with communications between architecture layers, not row data in tables. The Examiner's purported "reason" is meaningless.

Applicants note that, regarding the Examiner's proposed suggestions or motivations to combine, the Examiner may not base a rejection on conclusory statements or meaningless reasons to modify or combine references to obtain the claimed invention. Under an obviousness rejection, there must be a search and analysis of the prior art, including evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness. *In re Lee*, 61 USPQ2d 1430, 1433

(Fed. Cir. 2002). The Examiner can satisfy the burden of showing obviousness of the combination “only by showing some objective teaching in the prior art” that would lead that individual to combine the relevant teachings of the references. *In re Lee* at 1434. Conclusory statements from the Examiner do not adequately address the issue of motivation to combine. This factual inquiry of motivation is material to patentability, and can not be resolved on subjective belief and unknown authority. *In re Lee* at 1434.

The Examiner cited other portions of Edwards that do not fulfill the deficiencies cited above. The Examiner cited column 2, lines 55-60, column 3, lines 13-17, and column 5, lines 54-67 for the proposition that Edwards teaches a first layer and a second layer that communicate directly without having to communicate via the transparent layer. These citations are equally meaningless since there is no transparent layer referenced in these citations. The examiner merely is referencing three layers in which the first communicates with the second and the second communicates with the third. None of the layers are transparent to any other layer. The communications pass up the layers or are made from each layer to a cache that is accessible by that layer. A performance enhancing subroutine exists in a library and writes to a cache. The code generating layer generates code and executes the subroutine. This does not meet Applicants claimed limitations, and these citations in Edwards cannot be modified to meet the claimed limitations as the Examiner alleges.

None of the other layers are transparent layers. Thus, even if the Examiner changes and says the layer 206 is a transport layer, this would not be correct since none of the layers 202-208 in Edwards are transparent layers. Moreover, the Examiner would be making a statement inconsistent with the Examiner’s prior action.

Further regarding claim 2, Edwards does not teach or suggest “objects” at all. Edwards discusses layers. No mention is made of objects. Further, Edwards does not teach or suggest that a transparent layer object is configured to be hidden for a communication between the first layer object and the second layer object. Nothing in Edwards suggests hiding a layer object when a communication is made between layers. Further, Edwards does not teach or suggest relaying the communication between the first layer object and the second layer object by bypassing the transparent layer object.

Claim 14 is patentable for the same reasons explained above. Edwards does not teach or suggest a transparent layer as required by Applicants’ claims. Further, the citation for

the action province and the yoke province does not meet the claimed limitations. The examiner cites functions of both the RAM codegen layer 204 and the RFM layer 206 for the action province and then cites the RAM codegen layer 204 for the yoke province.

Further, the citations do not disclose, teach, or suggest dynamically identifying a database type to which the query corresponds and initiating a connection with the database to transmit the query to the database. Recall that the architecture is configurable to connect to many different types of databases. In the Office action, the Examiner left out several words for the claim limitations of claim 14. Edwards does not meet these limitations. Moreover, although Edwards discussed I/O read/write requests, there is no teaching or suggestion in Edwards of the witness province configured to identify the action occurring via an input/output interface and to notify the action province and/or the witness province of the action.

Finally, applicants note that while the Examiner may give the claim term its broadest reasonable meaning, the claim terms are interpreted in accordance with the specification. (“When examining claims for patentability, claims are interpreted as broadly as is reasonable and consistent with the specification.” *In re Thrift*, 63 USPQ2d 2002, 2206 (Fed. Cir. 2002).) Further, where a component in the cited reference (regardless of its name) is not the same and does not have the same function as the claimed limitation, and Applicants have shown why the cited component and the claimed limitation are not the same, the Examiner must provide a reasoned analysis why the Examiner construes them to be the same. *In re Lee*, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

The Examiner has not made a *prima facie* case of obviousness. The Examiner has not provided an objective teaching or suggestion to modify the Edwards references to meet the claim limitations. The reasons provided by the Examiner are meaningless and would not lead an individual to create the claimed invention. The Examiner is precluded from rejecting a claim based on conclusory statements and a lack of objective evidence.

For the reasons stated above, claims 1, 2, and 14 are believed patentable. Withdrawal of the rejection of claims 1, 2, and 14 respectfully is requested.

The claims depending from claims 1, 2, and 14 contain all of the limitations of the base claim and any intervening claims. For this reason, the claims depending from claims 1, 2, and 14 are believed patentable. Withdrawal of these claims respectfully is requested.

Certain grammatical changes have been made to the claims. These grammatical changes have not been made to overcome any rejection. As such, no estoppel is intended to or should apply to these claims.

Applicants thank the Examiner for the allowance of claims 19-24.

The references cited by the Examiner and made of record have been reviewed by Applicants. Applicants have no further remarks with regard to the cited references.

Based on the foregoing, it is submitted that the Applicants' invention as defined by the claims is patentable over the references of record. Issuance of a Notice of Allowance is solicited.

Applicants' attorney welcomes the opportunity to discuss the case with the Examiner in the event that there are any questions or comments regarding the response or the application.

This is intended to be a complete response to the Examiner's Office action mailed on October 5, 2004.

Respectfully Submitted,

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